

INTRODUCED BY SENATOR BALLARD,

JANUARY 16, 1917.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND QUARANTINE.

AN ACT

FOR THE REGULATION AND PRACTICE OF DRUGLESS SYSTEMS OR METHODS OF TREATING SICK OR AFFLICTED HUMAN BEINGS; REGULATING THE EXAMINATION OF APPLICANTS FOR LICENSES, REGULATING REGISTRATION OF APPLICANTS; ALLOWING THOSE LICENSED TO TREAT DISEASE, INJURIES, DEFORMITIES OR OTHER PHYSICAL OR PSYCHOPATHIC CONDITIONS OF HUMAN BEINGS BY DRUGLESS METHODS; TO ESTABLISH A BOARD OF EXAMINERS FOR DRUGLESS PHYSICIANS; TO PROVIDE FOR THEIR APPOINTMENT AND FORMATION AND PRESCRIBE THEIR POWERS AND DUTIES; MAKING VIOLATION OF THIS ACT A MISDEMEANOR; AND REPEALING ALL PARTS OF AN ACT ENTITLED "AN ACT TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSES AND THE PRACTICE OF THOSE LICENSED TO TREAT DISEASES, INJURIES, DEFORMITIES OR OTHER PHYSICAL OR MENTAL CONDITION OF HUMAN BEINGS; TO ESTABLISH A BOARD OF DRUGLESS EXAMINERS, TO PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS AND DUTIES, AND TO REPEAL ALL PARTS OF AN ACT ENTITLED 'AN ACT FOR THE REGULATION OF THE PRACTICE OF MEDICINE AND SURGERY, OSTEOPATHY AND OTHER SYSTEMS OR MODES OF TREATING THE SICK OR AFFLICTED IN THE STATE

OF CALIFORNIA, AND FOR THE APPOINTMENT OF A BOARD OF DRUGLESS EXAMINERS."

The people of the State of California do enact as follows:

1 SECTION 1. A board to consist of five members and to be
2 known as the board of examiners for drugless physicians is
3 hereby created and established. The governor shall appoint
4 the members of the board on or before the first Tuesday in
5 August, one thousand nine hundred seventeen, each of whom
6 shall have been a citizen of this state at the time of his appoint-
7 ment.

8 Each of the members shall be appointed from among per-
9 sons who practice any method of the healing arts known as
10 drugless methods, and no graduate of medicine, surgery, osteo-
11 pathy, dentistry or any other than a drugless method shall
12 be eligible to membership on said board. The governor shall
13 fill by appointment all vacancies on the board. Term of office
14 of each member shall be three years; provided, that of the
15 first board appointed two members shall be appointed for the
16 year, two members for two years and one member for three
17 years, and that thereafter all appointments shall be for three
18 years, except the appointment to fill vacancies shall be for the
19 unexpired term only. The governor shall have the power
20 to remove from office any member of the board for the neglect
21 of duty or unprofessional conduct. The governor shall apprise
22 the members of said board from the various drugless
23 methods or systems of drugless healing within the state, and
24 any such member of the first board shall not already be regis-
25 tered as a drugless physician, then by virtue of said app-
26 pointment the members shall be deemed to be licensed by virtue
27 of their appointment. Each member of the board shall, upon
28 entering upon the duties of his office take the constitutional
29 oath of office.

30 SEC. 2. Said board shall organize on or before thirty days
31 after the appointment of its members, by electing from among
32 the members a president, vice president, secretary and treasurer,
33 who shall hold their respective offices during the pleasure
34 of the board.

1 The board shall hold, at least, one meeting annually, begin-
2 ning not later than the first Tuesday in January, one thousand
3 nine hundred eighteen, in the city of Los Angeles, and at least
4 one additional meeting annually, which shall be held in the
5 city of San Francisco, with power of adjournment from time
6 to time until its business is concluded. It is further provided
7 that examinations of applicants for certificates may, in the
8 discretion of the board, be conducted in any other part of the
9 state designated by the board. Special meetings of the board
10 may be held at such time and place as the board may designate;
11 provided, that such notice shall be given in writing at least
12 ten days prior to the holding of said meeting. The secretary
13 shall receive all applications for certificates. The office of the
14 board shall be either in the city of Los Angeles or San Fran-
15 cisco as the board may direct and proceedings against the
16 board may be brought either in San Francisco or Los Angeles.

17 SEC. 3. The board may from time to time adopt such rules
18 not inconsistent with this act as may be necessary to enable it
19 to carry into effect the provisions of this act. It shall require
20 the affirmative vote of three members to carry any motion or
21 resolution, to adopt any rules, to pass any measure, or to
22 authorize the issuance of any certificate as in this act pro-
23 vided. Any member of the board may administer oaths in any
24 matter pertaining to the duties of the board, and the board
25 shall have authority to take any evidence in any matter cogniz-
26 able by it. The board is authorized to prosecute all persons
27 guilty of violations of the provisions of this act. The board
28 shall fix the salary of the secretary not to exceed the sum of
29 one thousand two hundred dollars per annum and the sum to
30 be paid to other members of the board not to exceed ten dollars
31 per diem each for each and every day of actual service in the
32 discharge of official duties, and the board may, in its discre-
33 tion, add to said sum necessary traveling expenses.

34 SEC. 4. A monthly report of all receipts and disbursements
of whatsoever nature, shall be kept by the secretary and treasurer,
and shall be reported at each regular meeting of the

1 board. The board is further empowered to establish a reasonable
2 contingent fund for salaries and other necessary expenses
3 of the board; an amount not to exceed one thousand dollars
4 may be drawn from the contingent fund, to be used as a
5 revolving fund where cash advances are necessary.

6 SEC. 5. Every applicant for a certificate shall pay to the
7 secretary of the board a fee of twenty-five dollars, which shall
8 be paid to the treasurer of the board by said secretary. In
9 case the applicant's credentials are insufficient or in case he
10 does not desire to take examination, the sum of ten dollars shall
11 be retained, the remainder of the fee shall be returnable on
12 application.

13 SEC. 6. One form of certificate shall be issued by said
14 board, authorizing the holder thereof to treat or otherwise
15 correct conditions of disease, injuries, deformities, or other
16 physical or psychopathic conditions without the use of drugs
17 or what is known as medicinal preparations, or without the use
18 of surgery, which certificate shall be designated "drugless
19 physicians' certificate," which will authorize the holder thereof
20 to use any method known as a drugless method. Said cer-
21 tificate on being recorded in the office of the county clerk,
22 hereinafter provided, shall constitute the holder thereof a duly
23 licensed practitioner, in accordance with the provisions of
24 this act.

25 SEC. 7. Every applicant must file with the board at least
26 two weeks prior to the regular meeting thereof satisfactory
27 testimonial of good moral character and every applicant after
28 one year of the going into effect of this act must show that he
29 has attended two courses of study, each such course to have
30 been not less than thirty-two weeks duration. Said courses
31 consisting of the following subjects: anatomy, histology,
32 toxicology, physiology, hygiene, pathology, diagnosis, theory
33 practice and technic, obstetrics and gynecology, and shall pass
34 a written examination in said subjects with a general average
35 of not less than seventy-five per cent, with a marking of not
36 than sixty per cent in any two subjects.

1 SEC. 8. Any person who shall pay to the secretary of the
2 board the sum of twenty-five dollars on or before the first day
3 of November, one thousand nine hundred seventeen, and who
4 shall have been in the actual practice of a drugless system of
5 treating the sick and afflicted human beings in the State of
6 California, for a period of not less than one year, prior to
7 the going into effect of this act, shall be granted by said drug-
8 less board an oral, practical and clinical examination, and if in
9 the judgment of said drugless board of examiners, after such
10 oral, practical and clinical examination, the applicant is pre-
11 pared to treat the sick and afflicted human beings, and who
12 shall have passed a general average of not less than seventy-five
13 per cent in said oral, practical and clinical examinations the
14 said applicant shall be issued a certificate to practice drugless
15 methods, under the provisions of this act.

16 SEC. 9. All applicants after January 1, 1918, shall present
17 to the board evidence of having pursued a residence course of
18 not less than two years of eight months each in a drugless
19 school or schools, or the equivalent thereof, and to hold a
20 diploma or diplomas from some accredited drugless school or
21 schools, and who presents such diploma or diplomas with affidavits
22 of good moral character, shall be admitted to the regular
23 written examination before the drugless board, and upon the
24 passing of a general average of not less than seventy-five per
25 cent, with no two subjects less than sixty per cent, then the
26 said board shall grant the said applicant a certificate to practice
27 under the provisions of this act in the State of California.

28 SEC. 10. Said board may revoke the certificate of any drugless
29 physician guilty of unprofessional conduct being under
30 the following:

31 First—The procuring or aiding or abetting in procuring of
32 a criminal abortion.

33 Second—The wilful betraying of a professional secret.

34 Third—All advertising which is intended or has a tendency
35 to deceive the public or impose upon credulous or ignorant persons,
36 or the advertising of a drugless physician that he is practicing
37 a system in which he does not hold a certificate.

- 1 *Fourth*—Conviction of any offense involving moral tur-
- 2 pitude.
- 3 *Fifth*—Habitual intemperance.
- 4 *Sixth*—The personation of any licensed practitioner.
- 5 *Seventh*—The practicing under any false or fictitious name
- 6 other than his own.
- 7 *Eighth*—Advertising directly or indirectly or holding them-
- 8 selves out to be a licensed drugless practitioner, when they do
- 9 not hold an unrevoked certificate by said drugless board, and
- 10 said certificate shall not have been registered in the county
- 11 where said drugless physician is practicing.
- 12 *Ninth*—Anyone holding themselves out as having any degree
- 13 or degrees for which they can not show a diploma, shall be
- 14 guilty of a misdemeanor. Anyone practicing or attempting
- 15 to practice a drugless system or systems in this state without
- 16 a certificate in force, shall be guilty of a misdemeanor. Any
- 17 person violating any provisions of this act, shall be deemed
- 18 guilty of a misdemeanor and shall be subject to a fine of not
- 19 less than one hundred dollars nor more than three hundred
- 20 dollars, or not less than ten days nor more than ninety days in
- 21 jail, or both such fine and imprisonment.
- 22 *Tenth*—All parts of an act entitled “An act to regulate the
- 23 examination of applicants for licenses and the practice of those
- 24 licensed to treat diseases, injuries, deformities, or other physical
- 25 or mental conditions of human beings; to establish the board
- 26 of medical examiners in the matter of said regulation, approved
- 27 March 4, 1907, and acts amendatory thereof, and also to repeal
- 28 all other acts and parts of acts in conflict of this act,” approved
- 29 June 2, 1913, in conflict with this act, or pertaining in any way
- 30 to the examination and licensing of applicants to practice
- 31 drugless systems known as drugless systems, and all acts or
- 32 parts of acts in conflict with this act are hereby repealed.